IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

(CG)

WRIT PETITION NO. 2205 /2002

PETITIONER

Smt. Vandana Madankar, aged about 31 years, wife of Shri Sunil Madankar, working as Lecturer (Political Science), in Government Girls Higher Secondary School, No. II, Jagdalpur, Distt. Bastar, Chhatisgarh.

P.R. No. 2924/R
Presented by Shri Pradhan Jain
dated 13/12/02

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through : Secretary, Department of Adim Jati Tatha Anusuchit Janjati Vikas Vibhag, Mantralay, Shashtri Chowk, D.K.S. Bhawan, Raipur (Chhattisgarh)

2. Commissioner, Department of Adim Jati Tatha Anusuchit Janjati Vikas Vibhag, Raipur (Chhattisgarh)

3. Smt. E.J. Singh, aged about 57 years, wife of Shri J Singh, Surplus Lecturer, Government Girls Higher Secondary School No.II, Jagdalpur, Distt. Bastar, Chhatisgarh.

13/12/02

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT OF CERTIORARI, PROHIBITION, MANDAMUS ETC. AND / OR FOR FURTHER APPROPRIATE DIRECTIONS OR ORDERS TO DO JUSTICE IN THE MATER.

(47)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 2705 of 2002

Petitioner — Smt. Vandana Madankar

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Prashant Jayaswal, Senior Advocate with Shri Sankalp Jayaswal, Advocate for the petitioner.

Shri Sushil Dubey, Govt. Advocate for the respondents/State.

ORDER

(Passed on this 21st day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Lecturer (Political Science) in Government Girls Higher Secondary School No.II, Jagdalpur was transferred to Beejapur, Dantewada on the same terms and conditions vide impugned transfer order dated 30.11.2002 (Annexure A/7).
2. This Court vide interim order dated 22.1.2003 directed not to relieve the petitioner, if not already relieved.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the earlier transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur